

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Tenner Murphy, by  
his guardians Kay and Richard Murphy;  
Marrie Bottelson; Dionne Swanson; and  
on behalf of others similarly situated,

Plaintiffs,

vs.

The Minnesota Department of Human  
Services, an agency of the State of  
Minnesota; and Emily Johnson Piper in her  
Capacity as Commissioner of the  
Minnesota Department of Human Services,

Defendants.

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Civ. No. 16-cv-2623 (DWF/BRT)

**PLAINTIFFS' MOTION FOR  
CLASS CERTIFICATION**

Pursuant to Fed. R. Civ. P. 23(b)(2), Plaintiffs hereby move the Court for certification of the following class: All individuals age 18 and older who are eligible for and have received a Disability Waiver, live in a licensed CRS facility, and have not been given the choice and opportunity to reside in the most integrated residential setting appropriate to their needs.

Plaintiffs also move that the Court enter an Order certifying the above class pursuant to Fed. R. Civ. P. 23(b)(2), appointing the Named Plaintiffs as representatives of the Class, and appointing Sean B. Burke, Justin H. Perl, Joseph W. Anthony, Steven M. Pincus, and Peter J. McElligott as Class Counsel.

This Motion is based on the pleadings, files, and records herein, including Plaintiffs' Memorandum of Law in Support of the Motion for Class Certification, and the Affidavit of Sean Burke.

**MID-MINNESOTA LEGAL AID  
MINNESOTA DISABILITY  
LAW CENTER**

Dated: February 27, 2017

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Dated: February 27, 2017

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